

Entered - 05/20/02 - sb
CL02L0366 - Alexis Holmes

CLAIM OF: **JOHN TERNAY**
2307 Jefferson Square Court
Decatur, Georgia 30030


02-R-1936

For damages alleged to have been sustained as a result of vehicular damage from driving over a pothole on May 5, 2002 at Dekalb Avenue and Krog Street.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **JOHN TERNAY** the sum of **\$574.42** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of vehicular damage from driving over a pothole on May 5, 2002 at Dekalb Avenue and Krog Street as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**, Settlement of Suits and Claims, Department of Law.

APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

COMM: Public Safety

DATE: 11/12/02

CHAIR: [Signature]

[Signature]

Carla Smith

[Signature]

[Signature]

[Signature]

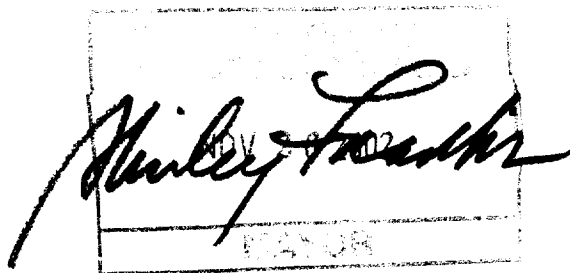
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ADOPTED BY
NOV 18 2002
COUNCIL

NOV 18 2002

CERTIFIED
NOV 18 2002
Rosalind Rubens Newell
MUNICIPAL CLERK


SHIRLEY FUNDER



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

02-R-1936

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **John Ternay** in the sum of **\$574.42** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of vehicular damage from driving over a pothole on May 5, 2002 at Dekalb Avenue and Krog Street as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Deputy Clerk

**ADOPTED by the Council
APPROVED by the Mayor**

NOV 18, 2002
NOV 26, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0366

Date: October 25, 2002

Claimant /Victim JOHN TERNAY

BY: (Atty)(Ins. Co.)

Address: 2307 Jefferson Square Court, Decatur, Georgia 30030

Subrogation: Claim for Property damage \$ 574.42 Bodily Injury \$

Date of Notice: 05/15/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 05/05/02 Place: Dekalb Avenue at Krog Street

Department Public Works Division: Street Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant damaged her vehicle when he drove over a pothole in the roadway at the above location.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X

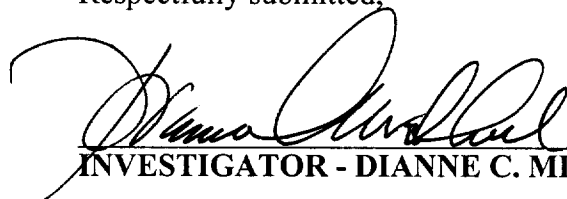
Improper Notice More than Six Months Other Damages reasonable X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 574.42 Adverse Account charged: 1A01 X 2J01 2H01 2P01

Claims Manager: Concur/date 10-31-02

Committee Action: Council Action

RCS# 4225
11/18/02
2:59 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-9; Except 02-R-1982; 02-O-1882;

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

NV Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

11/18/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1774
2. 02-O-1972
3. 02-O-1297
4. 02-O-1859
5. 02-O-1860
6. 02-O-1861
7. 02-O-1974
8. 02-O-1979
9. 02-O-1902
10. 02-O-1962
11. 02-O-1971
12. 02-O-1863
13. 02-O-1864
14. 02-R-1924
15. 02-R-1952
16. 02-R-1966
17. 02-R-1996
18. 02-R-2000
19. 02-R-1951
20. 02-R-1954
21. 02-R-1978
22. 02-R-1983
23. 02-R-1984
24. 02-R-1856
25. 02-R-1931
26. 02-R-1932
27. 02-R-1933
28. 02-R-1934
29. 02-R-1935
30. 02-R-1936

**ITEMS ADVERSE
ON CONSENT AGENDA**

31. 02-R-1937
32. 02-R-1938
33. 02-R-1939
34. 02-R-1940
35. 02-R-1941
36. 02-R-1942
37. 02-R-1943
38. 02-R-1944
39. 02-R-1945
40. 02-R-1946
41. 02-R-1947
42. 02-R-1948
43. 02-R-1949
44. 02-R-1950

Consent I Vote: 13 Yeas; 0 Nays (See RCS #4225)
Items Removed from Consent: 02-R-1982; 02-R-1882